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EXAMINER

GREGG, MARY M

ART UNIT

PAPER NUMBER

3694

NOTIFICATION DATE

DELIVERY MODE

06/08/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/568,546	Applicant(s) MEBRUER, ROBERT	
	Examiner MARY GREGG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29, 37 and 44-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29, 37 and 44-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to communications received Marcy 09, 2011. Claims 1-16, 30-36 and 38-43 have been canceled. Claims 17, 25, 29 and 51 have been amended. No new claims have been added. Therefore, claims 17-29, 37 and 44-54 are pending and addressed below.

Response to Amendments/Arguments

Claim Objections

2. Upon review of claim 29 examiner erred in the objection put forth in the previous Office. The examiner withdraws the rejection

Claim Rejections - 35 USC § 102

3. In the remarks with respect to claims 17-20 and 22-29 and 45-50 the applicant argues (1) that the prior art Davies fails to teach an application system to remote or online purchase(s) (2) that the prior art fails to teach making a financial transaction directly with a financial institution via internet banking, (3) that the prior art fails to teach a transaction initiated by the user's phone to a central facility (4) that the prior art Davies fails to teach receiving payment data from a communication device belonging to a consumer directly by a central facility.

4. In response to argument (1) that the prior art Davies fails to teach an application system to remote or online purchase(s), the examiner respectfully disagrees with the premise of the applicant's argument. Claims 17-20, 22-29 and 45-50 do not have in the limitation of the claims remote or online purchases, applicant is arguing limitation which are not claimed. See MPEP 2111-2116.01. The claims cite an EPOS system:

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An EPOS uses computers or specialized terminals that can be combined with other hardware, such as barcode readers, cash draws etc for accurately and instantly capturing the sale / transaction.

...most POS (point of sale or purchase) solutions are electronic. The difference between the two is typically the recording and updating of stock within the business. For example a POS system could be a standalone electronic till. This records the point of purchase, but does not automatically update the stock level for that product; this is done in a manual process. With an EPOS solution, the stock data is automatically updated, saving great time and increasing efficiency.

However, claims 20, 21, 22 and 48 cite a mobile phone which does incorporate remote purchase. The prior art Davies explicitly teaches "mobile phone" to pay electronically for goods and services (abstract: A secure payment system for authorised point of sale transactions enables a user to pay electronically for goods using a handheld device such as a mobile phone). The rejection is maintained.

In response to argument (2) that the prior art fails to teach making a financial transaction directly with a financial institution via internet banking, the examiner respectfully disagrees and points to in the art in at least para 0092; "If the user selects **an Internet bank account**, the process is slightly different in that, instead of Step 2e above, the **user accesses their account Website directly from the telephone 115**, using a Wireless Applications Protocol link. ..., the rejection is maintained.

In response to argument (3) that the prior art fails to teach a transaction initiated by the user's phone to a central facility, the examiner respectfully disagrees.

The prior art teaches explicitly in at least;

[0042] **Mobile phone 115-Tagboard box 100: there are a number of ways to provide an interface and connection 120 between the user's mobile phone 115 and the Tagboard box 100. A good way is to use a contactless card reader conforming to the protocol ISO (International Standards Organization) standard 14443 (various types). Processes of the Tagboard box 100 can be written to treat this in the manner of a smart card interface and can read and write to the shared memory of the mobile phone 115. ...**

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[0044] Tagboard server 110: The Tagboard server 110 can communicate with the point of sale terminal 105 using TCP/IP. **It also has:**

[0045] one or more network connections 150 to internal and/or external finance systems 125 for making payments and supporting the transfer of cash amounts to the mobile phone 115

[0046] a network connection 155 to a mobile device checkpoint 130 for checking whether the mobile phone 115 has been reported stolen

[0047] a network connection 160 to a data store such as a hard disc 135 for in-house data processing such as the stock-keeping and customer relationship management mentioned above.

Note that the prior art explicitly teaches that the transaction is initiated by the user's phone and networked to "internal ...finance system and networked to in-house data processing". The examiner maintains the rejection.

In response to argument (4) that the prior art Davies fails to teach receiving payment data from a communication device belonging to a consumer directly by a central facility, the examiner respectfully disagrees. Newly amended claim 17 cites

"a third communication link for connecting the central facility with each receiver processor for enabling an indication of the approval of the payment to be transmitted from the central facility to the receiver processor so that the EPOS terminal is provided with an indication that payment is approved directly from the central facility to enable a consumer to receive the goods or services relating to the payment"

The prior art explicitly teaches in at least

[0042] Mobile phone 115-Tagboard box 100: there are a number of ways to provide an interface and connection 120 between the user's mobile phone 115 and the Tagboard box 100. A good way is to use a contactless card reader conforming to the protocol ISO (International Standards Organization) standard 14443 (various types). Processes of the Tagboard box 100 can be written to treat this in the manner of a smart card interface and can read and write to the shared memory of the mobile phone 115. ...

[0044] Tagboard server 110: The Tagboard server 110 can communicate with the point of sale terminal 105 using TCP/IP. **It also has:**

[0045] one or more network connections 150 to internal and/or external finance systems 125 for making payments and supporting the transfer of cash amounts to the mobile phone 115

[0046] a network connection 155 to a mobile device checkpoint 130 for checking whether the mobile phone 115 has been reported stolen

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[0047] a network connection 160 to a data store such as a hard disc 135 for in-house data processing such as the stock-keeping and customer relationship management mentioned above.

The user device communicate via the interface tagboard server whose function is to provide direct communication with the point of sale, communication with the internal finance system, communication with the in-house data processing for the user device.

In order for direct communication between a user device and any other system central or otherwise there must be an interface communication network. The prior art does not require another entity between the user device and the in-house or internal system.

The rejection is maintained.

Claim Rejections - 35 USC § 103

5. Applicant's arguments with respect to claims 21, 37, 44 and 51-54 have been cited above.

In response to applicant's argument with respect to claims 51-54, wherein the amended claim 51 cites "receiving payment data from a communication device belonging to a consumer directly by a central facility. The prior art explicitly teaches in at least

[0042] Mobile phone 115-Tagboard box 100: there are a number of ways to provide an interface and connection 120 between the user's mobile phone 115 and the Tagboard box 100. A good way is to use a contactless card reader conforming to the protocol ISO (International Standards Organization) standard 14443 (various types). Processes of the Tagboard box 100 can be written to treat this in the manner of a smart card interface and can read and write to the shared memory of the mobile phone 115. ...

[0044] Tagboard server 110: The Tagboard server 110 can communicate with the point of sale terminal 105 using TCP/IP. **It also has:**

[0045] one or more network connections 150 to internal and/or external finance systems 125 for making payments and supporting the transfer of cash amounts to the mobile phone 115

[0046] a network connection 155 to a mobile device checkpoint 130 for checking whether the mobile phone 115 has been reported stolen

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[0047] a network connection 160 to a data store such as a hard disc 135 for in-house data processing such as the stock-keeping and customer relationship management mentioned above.

The user device communicate via the interface tagboard server whose function is to provide direct communication with the point of sale, communication with the internal finance system, communication with the in-house data processing for the user device.

In order for direct communication between a user device and any other system central or otherwise there must be an interface communication network. The prior art does not require another entity between the user device and the in-house or internal system.

The rejection is maintained.

In the remarks with respect to claim 44 rejected over Davies in view of Official Notice. Applicant traversed Official notice, by stating that the claim would be patentable for reasons given in the parent claim. Applicant(s) attempt at traversing the Official Notice findings as stated in the previous Office Action (Paragraph No. 12) is inadequate. Adequate traversal is a two step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b) which requires Applicant(s) to specifically point out the supposed errors in the Office Action, Applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while Applicant(s) have clearly met step (1), Applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art.

The rejection is maintained.

Official Notice

6. Applicant traversed Official notice, by stating that the claim would be patentable for reasons given in the parent claim. Applicant(s) attempt at traversing the Official Notice findings as stated in the previous Office Action (Paragraph No. 12) is inadequate. Adequate traversal is a two step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b) which requires Applicant(s) to specifically point out the supposed errors in the Office Action, Applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while Applicant(s) have clearly met step (1), Applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) that it is old and well known in the art of computer technology where a communication transmission process comprises a modem is taken to be admitted as prior art. See MPEP § 2144.03.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 25-28 and 37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In reference to Claims 25-28 and 37:

Claim 25 recites the limitation "the store database" in line 24. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner is defining the limitation to be a vendor database with approval payment details.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 17-20, 22-29 and 45-50 rejected under 35 U.S.C. 102(e) as being anticipated by US Pub No. 2006/0253392 A1 by Davies (Davies).

In reference to Claim 17:

(currently amended): A payment transaction system comprising: at least one receiver processor, each receiver processor being located at a retail outlet, and each receiver processor having an apparatus for receiving receiver adapted to receive payment data from a communication device belonging to a consumer to enable payment to be made for goods or services, an EPOS terminal coupled to the receiver, and a store back office server having a store database, the store back office server being connected to the EPOS terminal ((Davies) in at least para 0011, para 0013, para

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0020-0022, para 0025-0026, para 0028, para 0030-0031, para 0047, para 0063); a retailer processor having a communication transmission processor and a transaction payment database ((Davies) in at least 0009, para 0018); a first communication link connecting [[the]] each receiver processor to the retailer processor ((Davies) in at least FIG. 1; para 0009-0010, para 0018, para 0057, para 0120); a central facility having a payment approval processor and an account transaction payment database, the account transaction payment database maintaining a database of accounts relating to consumers and the payment approval processor adapted to interrogate the database and determine whether a payment is to be approved or declined ((Davies) in at least para 0063-0068, para 0077, para 0079-0080, para 0084); a second communication link for connecting the retailer processor to the central facility so that the payment data can be transmitted from the retailer processor to the payment approval processor, and for transmitting a signal back from the central facility to the retailer processor indicating that payment is approved to enable updating of the transaction payment database ((Davies) in at least para 0081, para 0084, para 0089); a third communication link connecting the central facility with each receiver processor for enabling an indication of the approval of the payment to be transmitted from the central facility to the receiver processor so that the EPOS terminal is provided with an indication that payment is approved directly form the central facility ((Davies) in at least para 0042, para 0044-0047) to enable a consumer to receive the goods or services relating to the payment ((Davies) in at least para 0081, para 0084, para 0089, para 0091, para 0094, para 0106, para 0111-0112).

In reference to Claim 18:

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(Previously Presented): The system of claim 17 (see rejection of claim 17 above) wherein the central facility is also adapted to transmit a signal to the communication device of the consumer indicating that payment is approved ((Davies) in at least para 0084, para 0085-0089).

Note: EPOS

An EPOS uses computers or specialized terminals that can be combined with other hardware, such as barcode readers, cash draws etc for accurately and instantly capturing the sale / transaction.

...most POS (point of sale or purchase) solutions are electronic. The difference between the two is typically the recording and updating of stock within the business. For example a POS system could be a standalone electronic till. This records the point of purchase, but does not automatically update the stock level for that product; this is done in a manual process. With an EPOS solution, the stock data is automatically updated, saving great time and increasing efficiency.

In reference to Claim 19:

(Previously presented): The system of claim 18 (see rejection of claim 18 above) wherein the signal is an SMS Message ((Davies) in at least Abstract; para 0106).

In reference to Claim 20:

(previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the communication device is provided with a preset template which is downloaded to facilitate the input of information by the consumer into the mobile telephone relating to the payment so the mobile telephone can transfer the payment data to the receiver processor ((Davies) in at least abstract; para 0004, para 0007, para 0011).

In reference to Claim 22:

(Previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the communication device comprises a mobile telephone ((Davies) in at least abstract; para 0004, para 0007, para 0011).

In reference to Claim 23:

(Previously Presented): The system of claim 17 (see rejection of claim 17 above) wherein the second communication link comprises at least one fixed line for connecting the communication transmission processor to the central facility_((Davies) in at least para 0003, para 0011, para 0084)

In reference to Claim 24:

(Previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the first and third communication links comprise a common communication network interconnecting the receiver processor, the retailer processor and the central facility ((Davies) in at least FIG. 1, FIG. 3; para 0043, para 0045).

In reference to Claim 25:

(currently amended): A payment transaction system comprising: a central facility having a payment approval processor and a transaction payment database, the transaction payment database maintaining accounts relating to respective consumers ((Davies) in at least para 0018, para 0101, para 0110) and the payment approval processor being adapted to interrogate the database and determine whether a payment is to be approved based on the status of the consumers account, a maintained in the database, at least one receiver processor located at a retail outlet ((Davies) in at least para 0012) , the receiver processor including a store back office server having a

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payment application processor, a store database and an EPOS terminal((Davies) in at least para 0044-0047); a first communication link for data communication ((Davies) in at least para 0042, para 0044-0047) between the central facility and each receiver processor; a retail processor including a payment database((Davies) in at least para 0042, para 0044-0047); and a second communication link for connecting the store back office server with the retailer processor ((Davies) in at least para 0042, para 0044-0047), wherein in response to the central facility receiving payment data directly from a communication device belonging to a consumer, the payment approval processor interrogates the database and determines whether a payment is to be approved for the consumer ((Davies) in at least para 0007, para 0008; wherein the prior art teaches authorization data not stored in mobile device which makes obvious the authorization (pay approval) is determined by an payment processor; para 0011, para 0014; wherein the prior art teaches looking up pin number and financial data; para 0018) and if payment is to be approved transmits an approval code back to the communication device ((Davies) in at least para 0011, para 0014, para 0080-0089); and transmits an approval signal including the approval code to the at least receiver processor via the first communication link ((Davies) in at least para 0011, para 0014); the at least one receiver processor receiving the approval signal storing the approval payment details including the approval code in the store database ((Davies) in at least para 0121; wherein the prior art teaches loyalty schemes, subscriptions, specific details, etc...which makes obvious vendor payment details approval database), and the payment application processor providing the approval code to an EPOS that when the consumer

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presents at the EPOS terminal to collect goods or services paid for, the approval code transmitted to the user's communication device and the stored approval code at the EPOS terminal are matched to confirm payment ((Davies) in at least FIG. 1, FIG. 2-3; para 0031, para 0047, para 0084, para 0121 wherein the prior art teaches discounts stored and authorization (approval code) for specific discounts); the store back office server transmitting the approval payment details to a retail processor via the second communication link to enable completed payment transaction details to be matched to payments approved by the central facility ((Davies) in at least para 0044-0047, para 0080-0089, para 0121)

Note: EPOS:

An EPOS uses computers or specialized terminals that can be combined with other hardware, such as barcode readers, cash draws etc for accurately and instantly capturing the sale / transaction.

...most POS (point of sale or purchase) solutions are electronic. The difference between the two is typically the recording and updating of stock within the business. For example a POS system could be a standalone electronic till. This records the point of purchase, but does not automatically update the stock level for that product; this is done in a manual process. With an EPOS solution, the stock data is automatically updated, saving great time and increasing efficiency.

In reference to Claim 26:

(Previously presented): The system of claim 25 wherein the first communication link comprises a fixed line communication link ((Davies) in at least para 0003, para 0011, para 0084)

In reference to Claim 27:

(Previously Presented): The system of claim 25 (see rejection of claim 25 above) wherein the payment application processor of the store back office server

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communicates with the EPOS terminal via a store communication network ((Davies) in at least para 0027-0028, para 0030-0031, para 0121).

In reference to Claim 28:

(previously presented): The system of claim 25 (see rejection of claim 25 above) wherein the communication device is provided with a preset template for downloading to facilitate the input of data by the consumer to form the payment data supplied to the central facility ((Davies) in at least para 0020, para 0084).

In reference to Claim 29:

(currently amended): A payment transaction method comprising: receiving payment data to enable payment to be made for goods or services by a receiver processor located at a retail outlet and having a receiver for receiving the payment data from a communication device belonging to a consumer, an EPOS terminal, and a store back office server having a store database ((Davies) in at least para 0011, para 0013, para 0020-0022, para 0025-0026, para 0028, para 0030-0031, para 0047, para 0063); [[and]] providing the payment data by the receiver processor via a first communication link to a retailer processor having a communication transmission processor and a transaction payment database ((Davies) in at least FIG. 1, FIG. 3-4; para 0009, para 0031); providing the payment data by the retailer processor to a central facility via a second communication link, the central facility having a payment approval processor and an account transaction payment database, the account transaction database maintaining database of accounts relating to consumers((Davies) in at least FIG. 1; para 0016, para 0057, para 0120); interrogating the account transaction payment database

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by the payment approval processor and determining by the payment approval processor whether the payment is to be approved or declined ((Davies) in at least para 0084-0088); transmitting a signal back from the central facility to the retail processor via the second communication link indicating that payment is approved ((Davies) in at least para 0084-0088); updating the transaction payment database of the retail processor ((Davies) in at least para 0020) ; and transmitting an indication of approval of the payment from the central facility directly to the receiver processor via a third communication link for connecting the central facility with the receiver processor so that the EPOS terminal is provided with an indication that the payment is approved to enable a consumer to receive the goods or services relating to the payment ((Davies) in at least para 0042, para 0044-0047, para 0080-0088).

Note: EPOS

An EPOS uses computers or specialized terminals that can be combined with other hardware, such as barcode readers, cash draws etc for accurately and instantly capturing the sale / transaction.

...most POS (point of sale or purchase) solutions are electronic. The difference between the two is typically the recording and updating of stock within the business. For example a POS system could be a standalone electronic till. This records the point of purchase, but does not automatically update the stock level for that product; this is done in a manual process. With an EPOS solution, the stock data is automatically updated, saving great time and increasing efficiency.

In reference to Claim 45:

(Previously Presented): The method of claim 29 (see rejection of claim 29 above) wherein the central facility also transmits a signal to the communication device of the consumer indicating that the payment is approved ((Davies) in at least para 0084-0089).

In reference to Claim 46:

(Previously Presented): The method of claim 45 (see rejection of claim 45 above) wherein the signal is an SMS message ((Davies) in at least Abstract; para 0106)

In reference to Claim 47:

(Previously presented): The method of claim 29 (see rejection of claim 29 above), wherein the communication device is provided with a preset template which is downloaded to facilitate the input of information by the consumer into the communication device relating to the payment so the communication device can transfer the payment data to the receiver processor ((Davies) in at least para 0020, para 0084).

In reference to Claim 48:

(Previously presented): The method of claim 29 (see rejection of claim 29 above), wherein the communication device comprises a mobile telephone ((Davies) in at least para 0020, para 0084).

In reference to Claim 49:

(Previously presented): The method of claim 29 (see rejection of claim 29 above), wherein the second communication link comprises at least one fixed line for connecting the retailer data processing system to the central data processing system ((Davies) in at least para 0003, para 0011, para 0084).

In reference to Claim 50:

(Previously presented): The method of claim 29 (see rejection of claim 29 above), wherein the first and third communication links comprise a common communication network interconnecting the receiver data processing system, the

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retailer data processing system and the central data processing system ((Davies) in at least FIG. 1, FIG. 3; para 0043, para 0045).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 21 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 A1 by Davies (Davies), as applied to claim 17 above with respect to claim 21; as applied to claim 25 above with respect to claim 37, and further in view of US Patent No. 5870725 by Bellinger et al. (Bellinger).

In reference to Claim 21:

Davies teaches:

(Previously Presented) The system of claim 17 (see rejection of claim 17 above) wherein the receiver processor includes...

Davies does not explicitly teach:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor.

Bellinger teaches:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor ((Bellinger) in at least Col 2; FIG. 22-23).

Both Davies and Bellinger explicitly teach mobile phones as a transaction device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results.

In reference to Claim 37:

The combination teaches:

(Previously presented): The method of claim 25 (see rejection of claim 25 above) wherein the receiver processor includes ...

Davies does not explicitly teach:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor.

Bellinger teaches:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor ((Bellinger) in at least Col 2; FIG. 22-23).

Both Davies and Bellinger explicitly teach mobile phones as a transaction device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results.

**13. Claim 44 rejected under 35 U.S.C. 103(a) as being unpatentable over US
Pub No. 2006/0253392 A1 by Davies (Davies) as applied to claims 17 and 23**

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above, and further in view of Applicant's admitted prior art herein referred to as APA.

In reference to Claim 44:

Davies teaches:

(Previously Presented): The system of claim 23 (see rejection of claim 23 above) wherein the communication transmission processor comprises a modem for supplying the payment data via the fixed line to the payment approval processor of the central data processing system ((Davies) in at least para 0003, para 0011, para 0084)

Although the prior art does not explicitly teach "a modem", the prior art explicitly teaches internet communication with respect to payment data. APA teaches that it is old and well known in the art of computer technology for a communication transmission processor to comprise a modem and therefore would have been obvious to one of ordinary skill in the art to utilize a known technique to improve similar devices (methods, or products) in the same way.

14. Claims 51-54 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 A1 by Davies (Davies)

In reference to Claim 51:

Davies teaches:

(Currently amended): A payment transaction method comprising: a. receiving payment data from a communication device belonging to a consumer by a central facility having a payment approval processor and a transaction payment database wherein accounts relating to respective consumers are maintained ((Davies) in at least

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para 0080-0089); b. interrogating the transaction payment database by the payment approval processor ((Davies) in at least para 0083-0084); c. determining by the payment approval processor whether the payment is to be approved based on the status of the consumer's account, as maintained in the database ((Davies) in at east para 0084); d. transmitting an approval code directly back to the communication device by the central facility, and if payment is approved ((Davies) in at least para 0042, para 0044-0047, para 0084-0089); e. providing the approval code (authorization) by the central facility directly to a receiver processor located at a retail outlet ((Davies) in at least para 0042, para 0044-0047), the receiver processor including an EPOS terminal, a store back office server having a payment application processor and a store database ((Davies) in at least 0080-0089); f. receiving the approval code by the payment application processor of the receiver processor via a first communication link for connecting the central facility with the receiver processor ((Davies) in at least FIG. 1-3; para 0084-0089); g. storing approved payment data and approval code in the store database ((Davies) para 0007, para 0009, para 0013, para 0022, para 0023); h. providing the approval code to the EPOS terminal by the payment application processor when the consumer presents to collect goods or services paid for ((Davies) in at least para 0084-0089); i. matching the approval code transmitted to the user's communication device and the stored approval code by the EPOS terminal to confirm payment ((Davies) in at least para 0021-0023, para 0024); and j. matching confirmed payments and stored payment transaction details with payment approval data of the central facility by a retailer processor including a payment database for receiving the store back office

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server approval payment details ((Davies) in at least para 0023-0024, para 0054, para 0084-0089, para 0120)

Although the prior art does not explicitly teach “matching the approval code transmitted to the user's communication device and the stored approval code”, the prior art explicitly teaches the receipt generated according to user preference (see para 0023), and user data applied to different circumstances by storing user data in association with respective identifiers as with which respective identifier applies to a transaction which fairly suggest matching transaction with stored transaction approval circumstance providing some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference to arrive at the claimed invention. As known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art See MPEP § 214 3.

In reference to Claim 52:

Davies teaches:

(Previously Presented): The method of claim 51 (see rejection of claim 51 above) wherein the first communication link comprises a fixed line communication link ((Davies) in at least para 0003, para 0011, para 0084).

In reference to Claim 53:

Davies teaches:

(Previously Presented): The method of claim 51 (see rejection of claim 51 above) wherein the payment application processor of the store back office server communicates with the EPOS terminal via a store communication network ((Davies) in at least para 0006, para 0021, para 0039).

In reference to Claim :54:

Davies

(Previously Presented): The method of claim 51 (see rejection of claim 51 above) wherein the communication device is provided with a preset template for downloading to facilitate the input of data by the consumer to form the payment data supplied to the central facility ((Davies) in at least para 0020, para 0022-0024, para 0079-0084).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/Shahid R Merchant/
Primary Examiner, Art Unit 3694